

UNITED STATES DISTRICT COURT

District

Middle District of Pennsylvania

Name of Movant

Anthony Braxton

Prisoner No.

10848-067

Case No.

1:CR-01-145-05

Place of Confinement

F.C.I. Fort Dix New Jersey

UNITED STATES OF AMERICA

V.

Anthony Braxton

(name under which convicted)

MOTION

1. Name and location of court which entered the judgment of conviction under attack Middle District of Pennsylvania/Harrisburg, 228 Walnut Street Harrisburg, P.A.
2. Date of judgment of conviction June 26, 2002
3. Length of sentence (10) Ten Years
4. Nature of offense involved (all counts) (2) Counts of Interstate Trafficking

FILED  
HARRISBURG

AUG 16 2006

MARY E. D'ANDREA, CLERK

Per MAA  
DEPUTY CLERK

5. What was your plea? (Check one)

(a) Not guilty ☐  
(b) Guilty ☒  
(c) Nolo contendere ☐

If you entered a guilty plea to one count or indictment, and not a guilty plea to another count or indictment, give details:

6. If you pleaded not guilty, what kind of trial did you have? (Check one)

(a) Jury ☐  
(b) Judge only ☐

7. Did you testify at the trial?

Yes ☐ No ☒

8. Did you appeal from the judgment of conviction?

Yes ☐ No ☒

9. If you did appeal, answer the following:

(a) Name of court \_\_\_\_\_

(b) Result \_\_\_\_\_

(c) Date of result \_\_\_\_\_

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any federal court?

Yes ☐ No ☒ xx

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court \_\_\_\_\_

(2) Nature of proceeding \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) Grounds raised \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒ xx

(5) Result \_\_\_\_\_

(6) Date of result \_\_\_\_\_

(b) As to any second petition, application or motion give the same information:

(1) Name of court \_\_\_\_\_

(2) Nature of proceeding \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) Grounds raised \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Yes ☐ No ☒ xxx

(1) First petition, etc.

Yes ☐

NaXXX

Yes ☐

NoXXX

*[The page contains faint horizontal lines, suggesting it was part of a lined notebook or document.]*

Caution: If you fail to set forth all grounds in this motion, you may be barred from presenting additional grounds at a later date.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The motion will be returned to you if you merely check (a) through (j) or any one of the grounds.

(b) Conviction obtained by use of coerced confession.

- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (h) Denial of right of appeal.

A. Ground one: Denial of Right of Appeal

One Issue

Supporting FACTS (state *briefly* without citing cases or law)

On June 2<sup>4</sup>, 2002 I requested of my attorney that he file a direct appeal on my behalf. Attorney failed to file on my behalf as requested.

B. Ground two: Denial of Effective Assistance of Counsel

( Please see Affidavit in Support of Motion )

Supporting FACTS (state *briefly* without citing cases or law) Failing to file a Santobello v. New York motion on my behalf after refusing to properly pursue the matter in an Ethical & professional manner. Attorney refused to do the necessary research to determine the best approach and whether it would cause more harm then good.

C. Ground three: \_\_\_\_\_

Supporting FACTS (state *briefly* without citing cases or law) \_\_\_\_\_

D. Ground four: \_\_\_\_\_

Supporting FACTS (state *briefly* without citing cases or law) \_\_\_\_\_

13. If any of the grounds listed in 12A, B, C, and D were not previously presented, state *briefly* what grounds were not so presented, and give your reasons for not presenting them: \_\_\_\_\_

14. Do you have any petition or appeal now pending in any court as to the judgment under attack?

Yes ☐ No ☒

15. Give the name and address, if known, of each attorney who represented you in the following stages of judgment attacked herein:

(a) At preliminary hearing N/A

(b) At arraignment and plea Mr. Daniel Pell 1215 East Market Street, York P.A.

17403

(c) At trial N/A

(d) At sentencing Mr. Danial Pell 1215 East Market Street, York P.A.

17403

(e) On appeal \_\_\_\_\_ N/A

(f) In any post-conviction proceeding \_\_\_\_\_ N/A

(g) On appeal from any adverse ruling in a post-conviction proceeding \_\_\_\_\_ N/A

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at approximately the same time?

Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future: \_\_\_\_\_

(b) Give date and length of the above sentence: \_\_\_\_\_

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐ No ☒

Wherefore, movant prays that the Court grant petitioner relief to which he or she may be entitled in this proceeding.

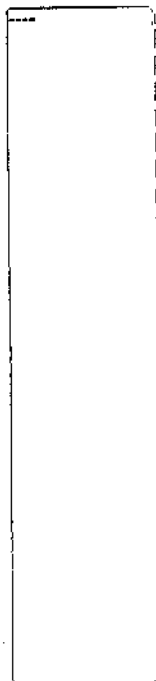
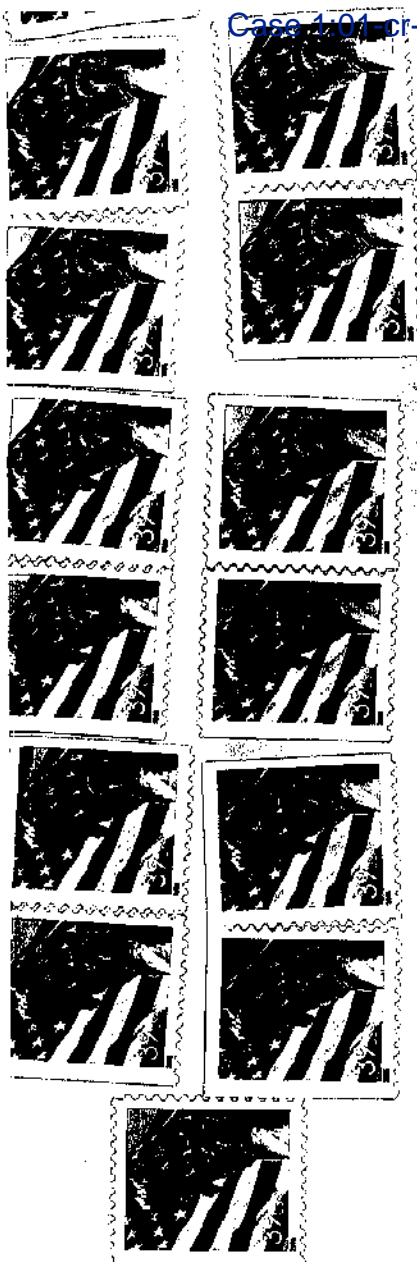
\_\_\_\_\_  
Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

August 8, 2006  
(Date)

Anthony Drafton  
Signature of Movant

Anthony Braxton ~ 10848-067  
Federal Prison Camp  
P.O. Box 1000 / Camp B-Unit  
Ford Rd New Jersey 08640



To: Clerk of the United States District  
Middle District of Harrisburg  
Federal Building / P.O. Box 11754  
228 Walnut Street  
Harrisburg, PA 17108-1754



Case: **1:06-cv-01591**

Assigned To : **Caldwell, William W.**

Assign. Date : **8/16/2006**

Description: **Anthony Braxton vs. USA**